

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAVIER RODRIGUEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-694-D
)	
FEDERAL BUREAU OF PRISONS,)	
)	
Defendant.)	

ORDER

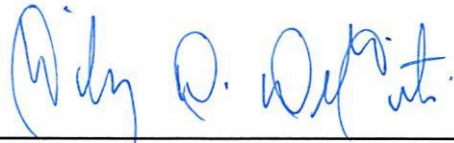
This matter is before the Court for review of the Report and Recommendation [Doc. No. 10] issued by United States Magistrate Judge Amanda Maxfield Green under 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green recommends the dismissal of this action without prejudice due to Plaintiff's failure to cure deficiencies that include nonpayment of the filing fee, and failure to prosecute the action.

The case file shows no timely objection or request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the firm waiver rule. Due to some uncertainty regarding proper notice, the Court previously directed the Clerk to remail the Report and Recommendation to Plaintiff and *sua sponte* extended the deadline to object. See 11/4/22 Order [Doc. No. 12]. Plaintiff has remained silent. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); see also *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir.

1996). Further, for the reasons explained by Judge Green, the Court finds that this action should be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 10] is **ADOPTED** in its entirety. This action is **DISMISSED** without prejudice to refiling. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 7th day of December, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge